## IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

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In re:	:	Chapter 11
CIRCUIT CITY STORES, INC.,	; ;	Case No. 08-35653-KRH
<u>et al</u> .,	: :	Jointly Administered
Debtors.	: Y	
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## STATEMENT OF CURE AMOUNT PURSUANT TO BANKRUPTCY CODE SECTIONS 365(b)(1)(A) & (B) AND 365(f)(2)(A) BY COFAL PARTNERS, L.P.

COFAL Partners, L.P. ("COFAL"), by and through its counsel, Reed Smith LLP, files this Statement of Cure Amount Pursuant to Bankruptcy Code Sections 365(b)(1)(A) & (B) and 365(f)(2)(A) (the "Statement") and in support thereof states as follows:

- 1. COFAL, as the landlord, and Circuit City Stores, Inc. (the "Debtor"), as the tenant, are parties to that certain ground lease ("Lease") identified by the Debtor as Store No. 3619, located at Ross Park SS, 7219 McKnight Road, Ross Towne Shopping Center, Pittsburgh, PA 15237.
  - 2. The expiration date for the Lease is January 31, 2018.
- 3. The Debtor is in default of its obligations under the Lease. As of January 16, 2009, the amount due and owing under the Lease necessary to cure the default is \$43,246.22 (the "Cure Amount"), consisting of the following:

November 2008 Rent:	\$26,405.54
November 2008 CAM:	\$3,689.84
November 2008 R.E. Taxes:	\$2,884.61
2007 CAM and R.E. Tax Reconciliation:	\$3,624.57
2008 CAM and R.E. Tax Reconciliation:	\$6,641.66
TOTAL:	\$43,246.22

- 4. To the extent the Debtor seeks to assume and/or assign the Lease, the Debtor is required to pay the Cure Amount to COFAL promptly as a precondition to the assumption and/or assignment of the Lease. *See* 11 U.S.C. § 365(b)(1)(A) & (B) and 11 U.S.C. § 365(f)(2)(A).
- 5. COFAL does not consent to payment of less than the full Cure Amount before the Lease may be assumed and/or assigned by the Debtor.

Dated: January 15, 2009

Respectfully submitted,

COFAL Partners, L.P.

By Counsel

## REED SMITH LLP

By: /s/ Linda S. Broyhill Paul M. Singer Linda S. Broyhill Jeanne S. Lofgren Virginia Bar No. 22989 REED SMITH LLP 3110 Fairview Park Drive, Suite 1400 435 Sixth Avenue Falls Church, Virginia 22042 Pittsburgh, Pennsylvania 15219 TEL: (703) 641-4328 (412) 288-3131 TEL: FAX: (703) 641-4340 FAX: (412) 288-3063 Email: <a href="mailto:lbroyhill@reedsmith.com">lbroyhill@reedsmith.com</a> psinger@reedsmith.com Email: ilofgren@reedsmith.com

Counsel to COFAL Partners, L.P. Co-Counsel to COFAL Partners, L.P.

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 15, 2009, a copy of the foregoing Statement of Cure Amount Pursuant to Bankruptcy Code Sections 365(b)(1)(A) & (B) and 365(f)(2)(A) by Cofal Partners, L.P. is to be served by electronic means via the Court's ECF/CM.

By: \_/s/ Linda S. Broyhill
Linda S. Broyhill